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19 THE HERSHEY COMPANY

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 GREGORY P. BARNES, DAVID C.
24 BOLLE, and MARY D. WASSON, on
25 their own behalf and on behalf of others
26 similarly situated

27 Plaintiffs,

28 vs.

THE HERSHEY COMPANY,

Defendant.

Case No. 3:12-cv-01334-CRB

**STIPULATION AND ORDER CHANGING
DATE OF HEARING ON PLAINTIFFS'
MOTION FOR CONDITIONAL
COLLECTIVE ACTION CERTIFICATION
TO FEBRUARY 15, 2013**

STIPULATION

Defendant The Hershey Company (“Hershey”) and Plaintiffs Gregory P. Barnes, David C. Bolle, and Mary D. Wasson (“Plaintiffs”), by and through their respective counsel, jointly request an order rescheduling the hearing date regarding Plaintiffs’ Motion for Collective Action Certification, pursuant to Civil Local Rules 6-2 and 7-12 of the Northern District of California, as follows:

1. WHEREAS, on November 1, 2012, Plaintiffs Gregory P. Barnes, David C. Bolle, and Mary D. Wasson (“Plaintiffs”) filed a Notice of Motion For Conditional Certification and Notice to Putative Collective Action Members Pursuant to 29 U.S.C. § 216(b) (“Plaintiffs’ Motion”), Dkt. No. 63. Plaintiffs noticed the Motion for hearing for December 7, 2012.

2. WHEREAS, on November 15, 2012, Hershey filed its Memorandum of Points and Authorities in Opposition to Plaintiffs’ Motion, Dkt. No. 73;

3. WHEREAS, on November 26, 2012, Plaintiffs filed their Reply in Support of their Motion, Dkt. 74;

4. WHEREAS, on December 3, 2012, the Court rescheduled the hearing on Plaintiffs’ Motion from December 7, 2012 to January 11, 2013;

5. WHEREAS, Mr. Landy’s wife is pregnant and anticipates labor commencing at any time, and Mr. Landy, who is responsible for the day-to-day management of this litigation for Hershey, will be unavailable to attend the hearing on Plaintiffs’ Motion on the rescheduled date or for two weeks thereafter, through January 25, 2013;

6. WHEREAS, the Court’s website reflects that Judge Breyer is not available on the following two Fridays, February 1 and 8, 2013;

7. WHEREAS, having met and conferred, the parties agree that the Court may reschedule the hearing without any prejudice to any party;

8. WHEREAS, the parties have previously stipulated to one request to continue the August 3, 2012 case management conference, Dkt. No. 40, and two requests to revise the briefing schedules in connection with Hershey’s Motion to Transfer Venue, Dkt. No. 22, and Plaintiffs’ Motion to Compel, Dkt. No. 60;

9. WHEREAS, the requested rescheduling of the hearing on Plaintiffs' Motion will not alter the date of any other event or any deadline already fixed by Court Order;

IT IS HEREBY STIPULATED, pursuant to Local Rule 6-2 by and between the parties hereto, through their respective counsel, that the hearing regarding Plaintiffs' Motion be rescheduled from January 11, 2013 to February 15, 2013.

Dated: January 4, 2013

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Daryl S. Landy
Daryl S. Landy

Attorneys for Defendant
THE HERSHEY COMPANY

Dated: January 4, 2013

HOBAN & FEOLA, LLC

By: /s/ David C. Feola
David C. Feola (admitted *pro hac vice*)

Attorneys for Plaintiffs
GREGORY P. BARNES, DAVID C.
BOLLE, and MARY D. WASSON

Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Daryl S. Landy, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4th day of January, 2013, at Palo Alto, California.

/s/ Daryl S. Landy
Daryl S. Landy

ORDER

Pursuant to the parties Stipulation and for good cause shown, the January 11, 2013 hearing on Plaintiffs' Motion for Collective Action Certification shall be removed from the Court's calendar, and the hearing shall be held on February 15, 2013.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 8, 2013

